



# BOSTON CITY COUNCIL

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One City Hall Square ♦ 5<sup>th</sup> Floor ♦ Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ Fax: (617) 635-4203

## HEARING MINUTES

**COMMITTEES:** *Committee on Government Operations*

**DATE:** *December 13, 2016*

**LOCATION:** *Boston City Hall, 5<sup>th</sup> Floor, Iannella Chamber*

**TIME:** *1:00PM (start 1:18 PM, end 4:13 PM)*

**SUBJECT:** *Docket#1529, ordinance regarding the reduction of plastic bags in Boston.*

### MEMBERS PRESENT:

Voting Members: Councilor Michael F. Flaherty, Chair; Councilor Josh Zakim, Vice Chair; Councilors Timothy McCarthy, Salvatore LaMattina, Matt O'Malley, Ayanna Pressley

Non-voting Members: Councilors Tito Jackson, Anissa Essaibi-George, Michelle Wu, Frank Baker, Andrea Campbell

### ISSUES DISCUSSED:

Councilor Flaherty convened the hearing. Councilor O'Malley provided opening remarks summarizing similar ordinances seen in other towns, states, and countries that have led to reductions in plastic bag consumption, describing the purpose behind such ordinances (to curb street litter and marine waste, reduce greenhouse gas and solid waste production, and support long-term environmental health), and giving an overview of **Docket #1529**. Councilor Wu explained that ordinances addressing environmental issues have a beneficial impact on the greater wellbeing of residents, as climate change and sustainability are ultimately in line with issues of economics and public safety. Councilor Wu clarified that **Docket #1529** is meant to be framed not as a ban or tax, but as a way of making the cost of consumer choices visible.

Commissioner Carl Spector of the City of Boston's Environment Department offered testimony on behalf of the Administration in support of the goals of **Docket #1529**, but in opposition to the proposed ordinance at this time. Commissioner Spector described the City's commitment to recycling and reducing environmental impact, but stated that the Administration remains concerned about **Docket #1529**'s impact on lower income households and small businesses, as well as the demands of enforcement. Commissioner Spector described the City's involvement with a Zero Waste Summit with nine other North American cities to study impact, and develop goals, policies, and programs relative to reducing plastics and solid waste. A final report is due out in May. Councilor O'Malley clarified that **Docket #1529** is part of a holistic approach to plastic and solid waste reduction efforts as a whole. Councilor O'Malley stated that there is substantial data from other cities to be used in support of **Docket #1529** today, and assumed that advocates would likely support changes or additions based on any new information found in the City's Zero Waste report when it is published. Councilor O'Malley urged the Administration to reconsider its support.

The Committee offered various thoughts with regards to **Docket #1529** including the need to be sensitive in balancing the urgency of climate change measures against any costs imposed for vulnerable populations. The Committee inquired as to how other cities have dealt with easing the burden of additional fees on lower income people. Other cities have varied their fee structures to charge for only certain bags, and encouraged retailers to invest in reusable bags as branding opportunities. The Committee expressed support for an informed decision on **Docket #1529**, and the need for an ordinance that truly solves an existing problem.



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The Committee heard testimony from environmental experts in support of **Docket #1529**, citing the effect plastic bags have on the environment and the impact similar ordinances have had in other cities. Testimony offered figures on the number of plastic bags discarded each year, and the production costs involved including water, energy, petroleum and carbon emissions. Testimony explained that single-use plastic bags are not degradable or recyclable, which leads to litter in storm drains (which costs the City money to unclog) and in nature (which is detrimental our ecosystem on land and at sea). Testimony stated that a ban with a fee structure is a best practice for climate change action through behavioral shifts by incentivizing sustainable alternatives.

Experts testified about the public's lack of awareness that contributes to plastic bag litter and recycling issues. Plastic bags are not recyclable in single stream systems (like in Boston), and block recycling mechanisms, which costs the City money. Experts were sensitive, however, to the concerns about imposing fees on low income populations. Cambridge Public Works discussed their success with a reusable bag drive, where they received around 7000 bags, and also had public school kids design bags to get them engaged in the issue. Testimony stated that the cost of bags is currently folded into the cost of goods, so the proposed fee merely separates that cost and makes it visible, giving people the opportunity to opt out and save money should they so choose. Regarding effects on business, testimony cited a Cambridge survey of small business that found savings in bag costs after their ordinance was enacted. The Committee inquired into exceptions for when bags may be deemed necessary, for example in restaurants. It was also suggested that reducing waste of toxic materials ultimately helps low income communities, which often bear the brunt of negative effects from pollution and waste removal.

The Committee heard testimony from community advocates in support of **Docket #1529**. Advocates reiterated experts' testimony on the detrimental impact of plastic bags on the environment and the history of similar ordinances in other cities. Testimony explained the process of manufacturing plastic bags. Advocates explained support for **Docket #1529** based on goals of waste and pollution reduction, public interest and public policy, and City savings on public works. Advocates shared work that has been done by Boston youth engaged on this matter. Advocates stressed that Boston should be a leader in the ultimate goal toward zero waste.

The Committee heard testimony from industry representatives in opposition to **Docket #1529**. Arguments against the proposed ordinance stated that paper should be excluded from the fee structure, as it would penalize consumers for choosing recyclable alternatives to plastic, and residents cannot be expected to always carry reusable bags. It was stated that many cities with similar ordinances do not impose fees on paper bags. Testimony argued that **Docket #1529** would put local retailers in a discriminatory position versus their competitors on the internet, and that **Docket #1529** would encourage the trend of online shopping replacing local shopping. The Committee questioned this effect and stated that Committee research has found no evidence to suggest that bag ordinances affect local businesses. The Industry argued that local ordinances confuse consumers who may shop in different municipalities, and so regulation should be left to the federal or state government. Industry representatives supported the need to improve litter streams in the environment, but stated that studies have found plastic bag bans to have had negligible impact on overall waste management in cities with similar ordinances. Testimony cited cities that have not found similar ordinances to be successful, such as Austin (where the ordinance resulted in less bags, but overall more plastic), and Chicago (where the ordinance is set to be repealed).



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The Committee reiterated that the ordinance presents consumers with a choice to use non-reusable bags, not just a mandate to pay a fee. The Committee explained that **Docket #1529** would be a start to environmentally conscious initiatives not an end, and that bans have been effective and quick to have an impact. The Committee urged continued community engagement.

Testimony from environmentally responsible businesses supported **Docket #1529**, citing that plastic bag bans do increase usage of paper and reusable bags, while fees help businesses mitigate costs of the transition.

The Committee heard public testimony. Testimony in support of the ordinance stated that **Docket #1529** affirms Boston's commitment to the environment and future generations; that behavior is difficult to change and the proposed fee structure is a good reminder. Testimony reiterated the negative effects of plastic bags on the environment and the ocean, terrestrial animals and marine life, and Boston's upped responsibility as a coastal city. Additional support addressed consumer choice to avoid the fee by bringing your own bag, and stated that the ordinance would make a big difference for a little inconvenience. Testimony suggested that Main Street shops can buy bags collectively. An impact study was cited, finding a similar ordinance in LA only cost people an average of \$4.00/year; money saved in city waste cleanup can then be diverted to addressing other local issues.

Public testimony opposed to **Docket #1529** suggested potential changes to the ordinance, including banning plastic bags but not charging for paper, raising the fees, defining reusable bags as machine washable, omitting exemptions for compostable bags, using plastic replacement technology, and implementing a transition period where people could opt in to the program. Additional criticism stated that **Docket #1529** would be a regressive tax, and stressed that even the small fees imposed by **Docket #1529** would add another financial burden to the vulnerable in an already unaffordable city. Concerns were raised about reusable bags made in China and those containing toxins, and the effect on the ecosystem of increasing reliance on paper. Other concerns were raised specific to convenience stores (where the majority of purchases are impulse, and thus consumers will likely not bring their own bag), and about the logistics of implementation in stores with long lines or self-check-out. Additional concerns were raised about spotty enforcement leading to issues with competition and consumer misinformation for retailers who do follow the law.

Public testimony on both sides stressed the importance of education relative to the goals of **Docket #1529**. It was noted that the impact of plastic bags on the environment and mechanics of recycling are not common sense to all. Education is needed to engage young people, as well as change potential differences in mindset and shopping habits for immigrants and low income populations.

Councilor O'Malley offered a closing statement regarding the ten-year history of attempting to implement an ordinance such as **Docket #1529** in Boston. Councilor O'Malley stated that much criticism has been unfounded, and other concerns can be addressed moving forward.

**DOCUMENTS PRESENTED:** Summary of Docket #1529; written testimony from Serlin Haley, Retailers Association of Massachusetts, Mass Green Network, The Surfrider Foundation Massachusetts Chapter, Massachusetts Sierra Club, Mass Audubon, The Jamaica Plain Neighborhood Council, The Chicken & Rice Guys, GXT Green, Inc., small business owners and residents.



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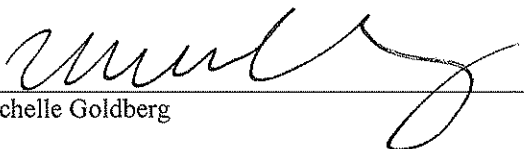
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**DOCUMENTS/INFORMATION REQUESTED:** Zero Waste Summit Report; Environment Department's study of residential trash, and timeline for release to the public

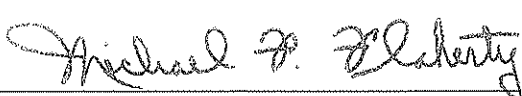
**DECISIONS/NEXT STEPS:** Hearing adjourned.

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Prepared By  
STAFF LIAISON:

  
Michelle Goldberg

Reviewed and Approved By  
CHAIR:

  
Michael Flaherty

DATE: 12/15/16

**NOTE:** These minutes are to be considered draft unless signed by the Committee Chair and Liaison.